

<p>CITY OF SAN JOSÉ, CALIFORNIA          Department of Planning, Building and Code Enforcement          801 North First Street, Room 400          San José, California 95110-1795</p> <p><b>STAFF REPORT</b></p>	Hearing Date/Agenda Number <b>P.C. 1/14/04    Item: 4.c.</b>
	File Number <b>CP03-023 and SP03-037</b>
	Application Type <b>Conditional Use Permit and Special Use Permit</b>
	Council District <b>7</b>
	Planning Area <b>South</b>
	Assessor's Parcel Number(s) <b>494-01-022 and 494-23-003</b>
PROJECT DESCRIPTION: Completed by: <b>Carol Hamilton</b>	
Location: <b>West side Senter Road approximately 300 feet south of Capitol Expressway and southeast corner Capitol Expressway and Senter Road</b>	
Gross Acreage: <b>1.4 and 35.1</b> Net Acreage: <b>1.4 and 35.1</b> Net Density: <b>N/A</b>	
Existing Zoning: <b>CP Commercial Pedestrian and R-1-8 Residence</b> Existing Use: <b>Vacant, Andrew Hill High School</b>	
Proposed Zoning: <b>No Change</b> Proposed Use: <b>Religious Assembly use, two proposed buildings approximately (6,000 square feet and 3,260 square feet) and off-site parking.</b>	
GENERAL PLAN Completed by: <b>CH</b>	
Land Use/Transportation Diagram Designation <b>Office</b> Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> See Analysis and Recommendations	
SURROUNDING LAND USES AND ZONING FOR CHURCH SITE Completed by: <b>CH</b>	
North: <b>Commercial</b>	<b>CP Commercial Pedestrian</b>
East: <b>Institutional</b>	<b>CP Commercial Pedestrian</b>
South: <b>Religious Assembly</b>	<b>R-1-8 Residence</b>
West: <b>Single-family detached residential</b>	<b>R-1-8 Residence</b>
Completed by: <b>CH</b>	
<input type="checkbox"/> Environmental Impact Report found complete <input type="checkbox"/> Negative Declaration circulated on	
<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete	

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<div style="display: flex; justify-content: space-between;"> <span>PUBLIC AGENCY COMMENTS RECEIVED</span> <span>Completed by: CH</span> </div>	
Department of Public Works  See attached memorandum	
Other Departments and Agencies  See attached memorandum from Fire Department	
GENERAL CORRESPONDENCE  None received.	
ANALYSIS AND RECOMMENDATIONS	

## BACKGROUND

The applicant, Cryy Out Christian Fellowship, is requesting a Conditional Use Permit to allow religious assembly use and the construction of two buildings, an approximately 6,000 square foot worship center with up to 470 seats and an approximately 3,260 square foot administrative building, on a 1.4 acre site located in the CP Commercial Pedestrian Zoning District. Cryy Out Fellowship and the East Side Union High School District are requesting a Special Use Permit to allow off-site and alternating parking for the church use to occur on the nearby Andrew Hill High School campus. Religious assembly uses are allowed in the CP Commercial Pedestrian Zoning District with a Conditional Use Permit. The Conditional Use Permit also will serve as a Site Development Permit for the construction of the proposed new religious assembly buildings. Off-site and alternating parking requires a Special Use Permit in all zoning districts.

The long and narrow infill site is characterized by mature trees, gravel parking areas and an existing structure, circa 1960, which is located approximately 50 feet east of Capitol Expressway. The property is a “through lot” having frontage on both Senter Road and Capitol Expressway. A commercial shopping plaza is located immediately to the north of the subject site and a religious assembly use immediately to the south. Andrew Hill High School is located on the eastern side of Senter Road, across the street from the site and a single-family neighborhood lies on the west side of

## **ENVIRONMENTAL REVIEW**

The proposed religious assembly project is exempt from environmental review under Section 15332 of the California Environmental Quality Act Guidelines concerning infill development projects on properties that are five acres or less and conform with the General Plan and Zoning Ordinance. The subject proposal is less than five acres in size, surrounded by urban uses and is consistent with both the General Plan designation of Office and the Commercial Pedestrian Zoning District (see analysis below). The off-site parking is exempt pursuant to Section 15301 which includes the use or minor modification of existing public or private facilities resulting in a negligible expansion of use.

## **GENERAL PLAN CONFORMANCE**

The proposed religious assembly use of the property is in conformance with the Office designation of the property indicated on the San José 2020 General Plan Land Use/Transportation Diagram. The Office designation permits primarily business and professional offices. Other uses such as commercial and religious assembly uses are considered appropriate if the uses are low intensity and compatible with surrounding uses. In that this property is adjacent to commercial and another religious assembly use and does not border any immediate residential use or neighborhood, the subject proposal is considered to be compatible with surrounding uses and consistent with the Office designation.

The off-site parking is consistent with the Public/Quasi Public designation of the Andrew Hill School site as indicated on the San José 2020 General Plan Land Use/Transportation Diagram.

## **COMMUNITY OUTREACH**

A community meeting was held on October 27, 2003. One person attended and generally expressed support for the project. A public hearing notice for the project was mailed to all property owners and tenants of properties located within 500 feet of the subject site. Staff has received no communication regarding the project.

## **ANALYSIS**

The primary issue for the proposal is conformance with the City Council's Church Location Policy and conformance with the parking requirements of Title 20 of the San José Municipal Code.

assembly uses that are adjacent to the site to the north and south respectively. The number of adjacent properties is minimized because of the property's 'through lot' characteristic. Capitol Expressway lies between the site and the closest residential uses located to the west and no vehicular access is proposed from the site to Capitol Expressway, ensuring that the proposal will not impact the nearby residential neighborhood.

### Setbacks

The Church Location Policy specifies that a minimum 25-foot building setback should be required along all property lines, particularly adjacent to residential uses. Additionally, the Policy specifies that all setback areas along street frontages should be at least 15 feet deep and a minimum of five feet of landscaping should be provided along interior property lines.

The subject site is a long, narrow, underutilized infill site that is zoned CP Commercial Pedestrian. The CP Commercial Pedestrian Zoning District, adopted as part of the Zoning Code update in 2001, specifies a 10-foot *maximum* front setback and a zero interior side yard setback. Given the odd shape of the property, its location in an urban area and the fact that the setback requirements of the CP District conflict with the recommendations of the Church Location Policy, staff has worked with the applicant to develop appropriate setbacks for the site.

The administration building is proposed to be set back 10 feet from Senter Road in conformance with the CP Zoning District, which was designed to ensure that buildings provide a strong street presence. At the community meeting, concern was expressed that it was difficult to find the property. A building on Senter Road with appropriate signage will alleviate that problem and provide a strong public entrance for this long narrow site.

A five-foot side setback is not provided along the northern edge of the property given the limited 100-foot width of the lot. The office administration building and the 470-seat worship are set on the northern interior side property line in conformance with the CP Zoning District which requires no side setback adjacent to commercially-zoned property. Placement of the buildings on the interior side property line allows for a minimum five-foot landscape setback on the southern edge of the property. A minimum of six feet of landscaping is provided along the balance of the northern property edge. Given the awkward shape of the property and the provisions of the CP Commercial Pedestrian District, staff believes that reducing the setback to zero along the interior edge where the two new buildings are proposed is appropriate and allows the property to accommodate the proposed use with acceptable site design and landscaping.

The project's lack of conformance with the setback recommendations of the Church Location Policy reflects in part the more urban development standards introduced in the Zoning Code Update of

site accommodates 80 on-site spaces, which is 38 spaces fewer than the Ordinance requires. The applicant has negotiated an agreement with the East Side Union High School District for use of 50 parking spaces at Andrew Hill High School on Sundays. The off-site parking would increase the number of available spaces to 130, exceeding the Code requirement.

The parking lot for Andrew Hill High School is located to the south of the subject site. The closest safe pedestrian crossing of Senter Road is the signal at Senter Road and Capitol Expressway, which is 300 feet north of the subject site. Due to the lack of a safe and convenient pedestrian crossing, the applicant proposes to provide a shuttle bus service between the two sites to ensure the safe access to and from the site for persons using the off-site parking. Conditions have been included in the Draft Permits requiring the provision of a shuttle service for church patrons using the off-site parking facilities and directional and informational signage for the off-site parking and shuttle service.

In light of the fact that the off-site parking is available only on Sundays, staff has included a condition in the Conditional Use Permit (CUP) that limits use of the sanctuary to a maximum of 320 seats Monday through Saturday when the off-site parking is unavailable. The CUP also requires that the applicant submit a sanctuary floor plan demonstrating how seating areas will be restricted to comply with the Monday through Saturday seating restriction.

Based on the applicants' proposal and the Draft Permit conditions, staff concludes that the proposed off-site parking is reasonable convenient and accessible to the church site and that parking for the religious assembly use meets the requirements of the Zoning Code.

### **Conclusion**

Based on the above analysis, staff concludes that the proposed project will be compatible with the surrounding uses and consistent with the Zoning Ordinance. While the project is not consistent with the setback recommendations of the Church Location Policy, it is consistent with the intent of the Policy for land use compatibility, and provides a more urban infill site design.

### **RECOMMENDATION**

Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the attached findings and conditions in its Resolutions.